

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
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-v- :  
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MICHAEL DANILOVICH :  
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Defendant :  
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S21 12 Cr. 171 (DAB)

MICHAEL DANILOVICH'S IN LIMINE MOTION

August 21, 2015

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Attorneys for Defendant  
Michael Danilovich

Michael Danilovich submits the following *In Limine* Motion in anticipation of trial scheduled to begin on September 30, 2015. Specifically, Michael Danilovich moves to keep out a telephone recording of his voice contained in Govt. Ex. 183 (recording) and 183T (transcript), that was used during the direct examination of William Shternfeld, a government witness, in the trial of Mr. Danilovich's co-defendant Michael Zemlyanski. This testimony is set forth in the Zemlyansky trial transcript dated March 12, 2015, page 2212 lines 11-23. That recording that was played by the government was a result of a wiretap of Mr. Danilovich's telephone, and was a conversation with an individual that is not charged in this matter, and the subject of the conversation was regarding an unrelated, uncharged matter. The government played that recording to corroborate William Shternfeld's testimony, which was that Mr. Danilovich had said "hey buddy" during a conversation. Id. line 19. The recorded conversation has no relevance to the Indictment and is highly prejudicial and is going to confuse the jury since it is unrelated to the charges in the Indictment. Mr. Danilovich seeks to keep it out of trial.

Respectfully submitted,

**LORRAINE GAULI-RUFO, ESQ.  
THOMAS AMBROSIO, ESQ.  
Attorneys for Defendant Cvjeticanin**

/s/ Lorraine Gauli-Rufo  
LORRAINE GAULI-RUFO

/s/ Thomas Ambrosio  
THOMAS AMBROSIO

Dated: August 21, 2015